

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

STEVEN G. GREEN,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. <u>07-2712-D/P</u>
)	
SELECT REMEDY,)	
)	
Defendant.)	
)	

REPORT & RECOMMENDATION

On June 19, 2008, the court held a telephonic conference call with the parties in this case to discuss the status of service of the complaint. Present on the phone were plaintiff Steven Green, pro se, and Brenda Nelson and Amber Isom-Thompson, counsel for defendant. The plaintiff stated that the present case (07-2712) alleged the same claims against the same defendant as Green v. Select Remedy, No. 07-CV-2740 (Ml/V), which is pending in this district. Because the cases are identical, and because Select Remedy was served in the 07-2740 case but has not yet been served in the 07-2712 case, plaintiff Green stated that the 07-2712 case should be dismissed.

For the reasons above, it is recommended that the present case be dismissed without prejudice under Rule 41(a)(2).

Respectfully submitted.

s/ Tu M. Pham

TU M. PHAM

United States Magistrate Judge

June 20, 2008

Date

NOTICE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN TEN (10) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN TEN (10) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.